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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 TERRANCE O. STEWART,

12 Petitioner,

13 v.

14 ATTORNEY GENERAL OF THE STATE
15 OF NEVADA, et al.

16 Respondents.
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Case No. 2:20-cv-01046-RFB-NJK

ORDER

18 This is a habeas corpus action under 28 U.S.C. § 2254. Petitioner has paid the filing fee.
19 Petitioner also has filed a motion for appointment of counsel (ECF No. 4). The court has reviewed
20 the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District
21 Courts. Petitioner is unable to afford counsel. Based upon the complexity of the issues presented
22 in the petition and the need for outside investigation and discovery, the court will appoint counsel.

23 IT FURTHER IS ORDERED that petitioner's motion for appointment of counsel (ECF No.
24 4) is **GRANTED**. Counsel will represent the petitioner in all federal proceedings related to this
25 matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

26 IT FURTHER IS ORDERED that the Federal Public Defender is appointed provisionally
27 as counsel for petitioner. The Federal Public Defender will have 30 days from the date of entry of
28 this order either to undertake representation of petitioner or to indicate to the court the office's

1 inability to represent petitioner. If the Federal Public Defender is unable to represent petitioner,
2 then the court will appoint alternate counsel, subject again to establishment of financial eligibility.
3 The court will set a deadline for filing of an amended petition or a motion seeking other relief after
4 counsel has appeared. The court does not signify any implied finding of tolling during any time
5 period established or any extension granted. Petitioner always remains responsible for calculating
6 the limitation period of 28 U.S.C. § 2244(d)(1) and timely presenting claims. The court makes no
7 representation that the petition, any amendments to the petition, and any claims in the petition or
8 amendments are not subject to dismissal as untimely. See Sossa v. Diaz, 729 F.3d 1225, 1235 (9th
9 Cir. 2013).

10 IT FURTHER IS ORDERED that the clerk add Aaron Ford, Attorney General for the State
11 of Nevada, as counsel for respondents.

12 IT FURTHER IS ORDERED that respondents' counsel must enter a notice of appearance
13 within twenty-one (21) days of entry of this order, but no further response will be required from
14 respondents until further order of the court.

15 IT FURTHER IS ORDERED that the clerk provide copies of this order and all prior filings
16 to both the Attorney General and the Federal Public Defender in a manner consistent with the clerk's
17 current practice, such as regeneration of notices of electronic filing.

18 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g), paper copies
19 of any electronically filed exhibits need not be provided to chambers or to the staff attorney, unless
20 later directed by the court.

21 DATED: January 12, 2021

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24 RICHARD F. BOULWARE, II
25 United States District Judge
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